

Gentlemen,

In regard to the applicability of mandatory digital rights management hardware implementation in digital audio and video transmissions, I would strongly recommend that the Commission NOT mandate such a solution. As a concerned consumer, I believe that for the Commission to recommend such legislation would be counterproductive to the goal of widespread adoption of digital transmission. My concerns are not for the control of intellectual property, since there already exist sufficient legal mechanisms to support copyright issues (either digital or otherwise). Rather my concerns are that the broader evolution and adoption of electronic media will be impeded, rather than accelerated, by a mandatory hardware/software DRM implementation.

I would contend that the currently slow adoption of digital transmission equipment is largely an issue of insufficient "value-added" to justify the expense of the conversion from existing, legacy analog receivers on the part of consumers. This is probably NOT going to be overcome with new content, since most of the existing entertainment content is already rapidly broadcast in analog formats. Rather, any attempt to restrict the use of material, as would be inevitable with proposed broadcast flags, will further degrade the value of new digital receiver systems and thus further reduce the consumer's incentive to switch to digital systems.

Even the best application of existing digital rights management would not anticipate future uses of such equipment. For example, current law permits "time-shifting" of broadcast media, which involves temporary storage of the material in some format and "rebroadcast" back to the display equipment at a later time. While current schema for DRM may incorporate this concept, they may not adequately address the rise of home network systems for such usage. In a case where variants of TCP/IP networks in the home may be used to legitimately "time-shift" a broadcast, DRM systems may interpret such an action as illegal and block access. This simple example is a concern that is present on the near horizon of technological advance. We cannot predict what other impediments to legitimate electronic media usage may occur in the far future, only that any deliberate limitations required by law and built into existing systems will not be viewed as adding value to the consumer, who is the ultimate arbiter of technological success.

Again, I strongly urge the Commission to reject calls for mandatory implementation of hardware digital rights management limitations to digital broadcast equipment as not being in the interest of widespread adoption of digital broadcast technology.

Thank you.